

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CODY LEAVITT,

Petitioner,

v.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:12-cv-00625-MMD-NJK

ORDER

This action involves a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the Court is petitioner's Motion to Withdraw as Counsel (dkt. no. 40).¹ A hearing was conducted on the motion and the parties were heard. Counsel for petitioner advised the Court that the motion to withdraw was based solely on a scheduling conflict arising from an upcoming 4-6 week trial, which has impacted his ability to draft the petition within the Court's deadline.

Respondents do not object to a temporary stay. Accordingly, the Court finds a temporary stay should be granted to permit counsel to adequately prepare an amended petition. Moreover, in light of the amount of work that counsel has devoted to this case and the fact that new counsel may require even more time to review the case and prepare the amended petition, the Court finds that good cause exists to grant a stay. All deadlines are temporarily stayed for a period of five (5) months. The amended petition is due on August 30, 2013.

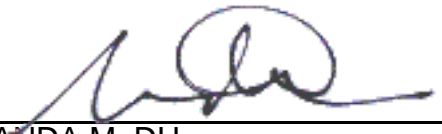
¹Petitioner also has a second action proceeding on a petition for writ of habeas corpus in which same counsel has been appointed and in which a similar motion has been filed. See 2:12-cv-00987-JCM-CWH.

1 IT IS THEREFORE ORDERED that petitioner's Motion to Withdraw as Appointed
2 Counsel (dkt. no. 40) is DENIED.

3 IT IS FURTHER ORDERED that this action is temporarily STAYED until August
4 30, 2013.

5 In the meantime, the Clerk shall ADMINISTRATIVELY CLOSE the case.

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7 DATED THIS 27th day of March 2013.

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10 _____
11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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